

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA**

STANLEY JACKSON

V.

**FAMILY DOLLAR STORES OF
LOUISIANA, INC.**

*** CIVIL DOCKET NO:**

*** JUDGE:**

*** MAG. JUDGE:**

NOTICE OF REMOVAL

Defendant, Family Dollar Stores of Louisiana, Inc. ("Family Dollar"), files this notice of removal on the following grounds:

THE REMOVED CASE

1.

On March 29, 2018, a Petition for Damages was filed on behalf of plaintiff, Stanley Jackson, in the 3rd Judicial District Court for the Parish of Union, State of Louisiana, styled "*Stanley Jackson vs. Family Dollar Stores of Louisiana, Inc. and Sedgwick Insurance Company*," bearing Docket Number 48,208.

2.

On April 17, 2018, Defendant, Family Dollar, was served with the Petition for Damages through CT Corporation, its agent for service of process.

3.

On April 17, 2018, Defendant, Sedgwick Claims Management Services, Inc., improperly named in plaintiff's Petition for Damages as Sedgwick Insurance Company, ("Sedgwick"), was served with the Petition for Damages.

4.

On June 14, 2018, plaintiff filed a Motion for Voluntary Dismissal Without Prejudice, requesting dismissal of all claims against Defendant Sedgwick. The Motion was granted on June 15, 2018, thereby dismissing Sedgwick from the case without prejudice. Family Dollar remains a defendant in the case.

5.

Attached hereto as Exhibit A, *in globo*, is a complete copy of all pleadings currently filed in the court record for the 3rd Judicial District Court, including a copy of all process served on defendant.

6.

In his state court Petition, plaintiff alleges that, on or about April 17, 2017, he was shopping at a Family Dollar Store in Farmerville, Louisiana, when he slipped and fell in a puddle of water on the floor. He claims that water was leaking from an air conditioner vent in the ceiling of the store.

7.

In particular, plaintiff alleges that he suffered injury to the right shoulder, specifically a rotator cuff tear, and other injuries. He has treated for his injuries with several medical providers.

8.

Plaintiff alleges that, as a result, he is entitled to damages for medical expenses, physical pain and suffering, inconvenience, mental anguish, emotional distress, present medical expenses, and future medical expenses.

9.

Plaintiff's Petition does not seek a specific sum in damages, nor does it expressly claim that plaintiff seeks damages in excess of the jurisdictional amount established in 28 U.S.C. § 1332(a).

10.

On March 26, 2019, plaintiff tendered a settlement demand that far exceeds the jurisdictional amount set forth in 28 U.S.C. § 1332(a).

11.

Plaintiff, Stanley Jackson, is a resident of and is domiciled in Union Parish, Louisiana.

12.

Defendant, Family Dollar Stores of Louisiana, Inc., is a corporation registered in North Carolina, with its principal place of business in Chesapeake, Virginia. Thus, Family Dollar Stores of Louisiana, Inc. is deemed to be a citizen of Virginia and North Carolina.

13.

Sedgwick Claims Management Services, Inc., improperly named in plaintiff's Petition for Damages as Sedgwick Insurance Company, is no longer a defendant in this suit, as plaintiff filed a Motion for Voluntary Dismissal of Sedgwick on June 14, 2018, which was granted by the trial court on June 15, 2018.

14.

Because plaintiff is a citizen of Louisiana and Family Dollar is a citizen of Virginia, complete diversity exists.

15.

Defendant shows that this Court has original jurisdiction over this action pursuant to the provisions of 28 U.S.C. § 1332(a), in that the amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs, and this is an action between citizens of different states.

REMOVAL IS TIMELY

16.

Defendant shows that this notice of removal is timely filed with this Court pursuant to the provisions of 28 U.S.C. § 1446(b), because it is removed within 30 days after Family Dollar first received notice that the case is removable. Specifically, the March 26, 2019 correspondence transmitting a settlement offer that exceeds \$75,000 was the first paper from which it may be ascertained that this case is one that became removable.

CONSENT TO REMOVAL

17.

There are no other defendants in this matter, thus no consent to removal is necessary.

VENUE

18.

The venue of this removal action is proper pursuant to the provisions of 28 U.S.C. § 1441(a), inasmuch as the United States District Court for the Western District of Louisiana embraces Union Parish and the 3rd Judicial District Court, which is the place where the state court action is pending.

19.

Based on the foregoing, Defendant shows that this matter is properly removable to this Court pursuant to the provisions of 28 U.S.C. § 1441, *et seq.*

20.

Written notice of the filing of this removal is being given to the adverse parties, as required by law.

21.

A true copy of this notice of removal is being filed with the Clerk of Court for the 3rd Judicial District Court for the Parish of Union, State of Louisiana, as required by law.

22.

WHEREFORE, Defendant, Family Dollar Stores of Louisiana, Inc., prays that this action be removed to this Court, that the Court accept jurisdiction of the action, and that the action be placed on the docket of the Court for further proceedings, as though it had originally been instituted in the Court.

RESPECTFULLY SUBMITTED,

BREAZEALE, SACHSE & WILSON, L.L.P.
One American Place, 23rd Floor
Post Office Box 3197
Baton Rouge, Louisiana 70821-3197
Telephone: 225-387-4000
Fax: 225-381-8029

/s/ Druit G. Gremillion

Druit G. Gremillion, Jr., La. Bar Roll No. 33867
Kelsey A. Clark, La. Bar Roll No. 36413
Counsel for Family Dollar Stores of Louisiana, Inc.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

STANLEY JACKSON

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FAMILY DOLLAR STORES OF
LOUISIANA, INC.

* CIVIL DOCKET NO:

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* JUDGE:

*

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* MAG. JUDGE:

AFFIDAVIT

STATE OF LOUISIANA

PARISH OF EAST BATON ROUGE

BEFORE ME, the undersigned authority, personally came and appeared

Druit G. Gremillion

who, after being duly sworn did depose and say:

That the allegations contained in the Notice of Removal filed herein are true and correct
to the best of her knowledge, information, and belief.


Druit G. Gremillion

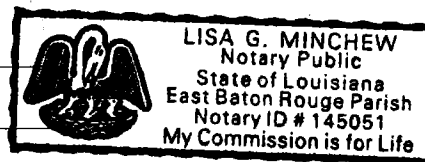
SWORN TO AND SUBSCRIBED before me, Notary Public, this 28th day of March,
2019, Baton Rouge, Louisiana.


NOTARY PUBLIC

Notary Name Printed: _____

Notary ID No.: _____

My Commission Expires: _____



**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA**

STANLEY JACKSON

V.

**FAMILY DOLLAR STORES OF
LOUISIANA, INC.**

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PROOF OF SERVICE

Druit G. Gremillion, being duly sworn, does depose and say that he is a member of the bar of the State of Louisiana, is admitted to practice before the United States District Court, Western District of Louisiana, is a member of the firm of Breazeale, Sachse & Wilson, L.L.P., and is counsel for Defendant, Family Dollar Stores of Louisiana, Inc.

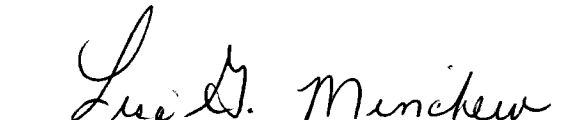
Affiant further states that, on the 28th day of March, 2019, after the Notice of Removal had been filed with the above Court, she forwarded a copy of said Notice of Removal and attachments via electronic mail and by depositing same in the U.S. Mail, postage prepaid and properly addressed to:

Stanley Jackson
Through his attorney of record:
Brian G. Smith
SMITH & NWOKORIE
107 East Bayou Street
P. O. Box 532
Farmerville, LA 71241

Affiant further states that, on the same day, immediately following the delivery of the aforesaid papers, he had sent via federal express a copy of the notice of removal to the Clerk of Court for the 3rd Judicial District Court for the Parish of Union, State of Louisiana, for filing in the matter entitled "*Stanley Jackson vs. Family Dollar Stores of Louisiana, Inc. and Sedgwick Insurance Company,*" bearing Docket Number 48,208.


Druit G. Gremillion

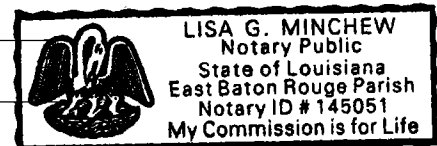
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WESTERN DISTRICT OF LOUISIANA

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* JUDGE:

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* MAG. JUDGE:

NOTICE TO ADVERSE PARTY

To: Stanley Jackson
Through his attorney of record:
Brian G. Smith
SMITH & NWOKORIE
107 East Bayou Street
P. O. Box 532
Farmerville, LA 71241

YOU ARE HEREBY NOTIFIED that the Defendant, Family Dollar Stores of Louisiana, Inc., has filed the attached Notice of Removal, along with other attached documents, with the Clerk of Court for the United States District Court, Western District of Louisiana, and a copy of said Notice of Removal has also been filed with the Clerk of Court for the 3rd Judicial District Court, Parish of Union, State of Louisiana.

RESPECTFULLY SUBMITTED,

BREAZEALE, SACHSE & WILSON, L.L.P.
One American Place, 23rd Floor
Post Office Box 3197
Baton Rouge, Louisiana 70821-3197
Telephone: 225-387-4000
Fax: 225-381-8029

/s/ Druit G. Gremillion

Druit G. Gremillion, Jr., La. Bar Roll No. 33867
Kelsey A. Clark, La. Bar Roll No. 36413
Counsel for Family Dollar Stores of Louisiana, Inc.